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2 United States Attorney

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MAR 15 2000
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CR 00 20096 JW
SAN JOSE DIVISION

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15
16 MAX RAY BUTLER, a/k/a
17 Max Vision,

18 Defendant.

No.

VIOLATIONS: 18 U.S.C. § 1030(a)(5)(B) -
Unauthorized Access Into a Computer
Recklessly Causing Damage; 18 U.S.C. §
1030(a)(3) - Unauthorized Access Into a
Government Computer, 18 U.S.C. §
2511(1)(a) - Interception of Electronic
Communications; 18 U.S.C. § 2701(a)(1) -
Unauthorized Access to Stored
Communications; 18 U.S.C. § 1029(a)(3) -
Possession of More than Fifteen
Unauthorized Access Devices

SAN JOSE VENUE

20
21 INDICTMENT

22 The Grand Jury charges:

23 COUNT ONE: (18 U.S.C. § 1030(a)(5)(B))

24 1. On or about May 25, 1998, in the Northern District of California, and elsewhere, the
25 defendant

26 MAX RAY BUTLER, a/k/a
Max Vision,

27 did intentionally access a protected computer without authorization, and as a result of such
28 conduct recklessly caused damage, as the terms protected computer and damage are defined in 18

INDICTMENT

1 U.S.C. §§ 1030(e)(2) and (e)(8).

2 2. Specifically, the defendant intentionally accessed a computer of Argonne National
3 Laboratory, in Argonne, Illinois, a computer that: (a) was exclusively for the use of the United
4 States Government; and (b) was used in interstate and foreign communication. As a result of
5 such conduct, the defendant recklessly caused damage and that damage caused loss aggregating
6 more than \$5,000 in value during a one-year period to Argonne National Laboratory.

7 All in violation of Title 18, United States Code, Section 1030(a)(5)(B).

8
9 COUNT TWO: (18 U.S.C. § 1030(a)(3))

10 On or about May 25, 1998, in the Northern District of California, and elsewhere, the
11 defendant

12 MAX RAY BUTLER, a/k/a
13 Max Vision,

14 did intentionally, without authorization to access a nonpublic computer of the U.S. Department of
15 Energy, a department of the United States, access such a computer at Argonne National
16 Laboratory, in Argonne, Illinois, that was exclusively for the use of the Government of the United
17 States, in violation of Title 18, United States Code, Section 1030(a)(3).

18
19 COUNT THREE: (18 U.S.C. § 2511(1)(a))

20 On or about and between May 25, 1998, and June 19, 1998, both dates being approximate
21 and inclusive, in the Northern District of California, and elsewhere, the defendant

22 MAX RAY BUTLER, a/k/a
23 Max Vision,

24 did intentionally intercept and endeavor to intercept electronic communications including user
25 names and passwords from a computer at Argonne National Laboratory, in Argonne, Illinois, in
26 violation of Title 18, United States Code, Section 2511(1)(a).

27
28
INDICTMENT

1 COUNT FOUR: (18 U.S.C. § 1030(a)(5)(B))

2 1. On or about May 27, 1998, in the Northern District of California, and elsewhere, the
3 defendant

4 MAX RAY BUTLER, a/k/a
5 Max Vision,

6 did intentionally access protected computers without authorization, and as a result of such
7 conduct did recklessly cause damage, as the terms protected computer and damage are defined in
8 18 U.S.C. §§ 1030(e)(2) and (e)(8).

9 2. Specifically, the defendant intentionally accessed computers at Brookhaven National
10 Laboratory, in Upton, New York, computers that were used in interstate and foreign
11 communication. As a result of such conduct, the defendant recklessly caused damage and that
12 damage caused loss aggregating more than \$5,000 in value during a one-year period to
13 Brookhaven National Laboratory.

14 All in violation of Title 18, United States Code, Section 1030(a)(5)(B).

15
16 COUNT FIVE: (18 U.S.C. § 1030(a)(3))

17 On or about May 27, 1998, in the Northern District of California, and elsewhere, the
18 defendant

19 MAX RAY BUTLER, a/k/a
20 Max Vision,

21 did intentionally, without authorization to access a nonpublic computer of the U.S. Department of
22 Energy, a department of the United States, access such computers at Brookhaven National
23 Laboratory, in Upton, New York, that were exclusively for the use of the Government of the
24 United States, in violation of Title 18, United States Code, Section 1030(a)(3).

1 COUNT SIX: (18 U.S.C. § 2701(a)(1))

2 On or about May 26, 1998, in the Northern District of California, and elsewhere, the
3 defendant

4 MAX RAY BUTLER, a/k/a
5 Max Vision,

6 did intentionally access without authorization a computer of IDSoftware, in Mesquite, Texas, a
7 facility through which an electronic communication service was provided, and thereby obtained
8 electronic communications including electronic mail while they were in electronic storage in such
9 system, in violation of Title 18, United States Code, Section 2701(a)(1).

10 COUNT SEVEN: (18 U.S.C. § 2511(1)(a))

11 On or about May 26, 1998, in the Northern District of California, and elsewhere, the
12 defendant

13 MAX RAY BUTLER, a/k/a
14 Max Vision,

15 did intentionally intercept and endeavor to intercept electronic communications including user
16 names and passwords from a computer of IDSoftware, in Mesquite, Texas, in violation of Title
17 18, United States Code, Section 2511(1)(a).

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19 COUNT EIGHT: (18 U.S.C. § 1030(a)(3))

20 On or about and between May 23, 1998, and June 15, 1998, both dates being approximate
21 and inclusive, in the Northern District of California, and elsewhere, the defendant

22 MAX RAY BUTLER, a/k/a
23 Max Vision,

24 did intentionally, without authorization to access a nonpublic computer of the National
25 Aeronautics and Space Administration (NASA), an agency of the United States, access such a
26 computer at Marshall Space Flight Center in Alabama that was exclusively for the use of the
27 Government of the United States, in violation of Title 18, United States Code, Section
28 1030(a)(3).

INDICTMENT

1 COUNT NINE: (18 U.S.C. § 2511(1)(a))

2 On or about and between May 23, 1998, and June 15, 1998, both dates being approximate
3 and inclusive, in the Northern District of California, and elsewhere, the defendant

4 MAX RAY BUTLER, a/k/a
5 Max Vision,

6 did intentionally intercept and endeavor to intercept electronic communications including user
7 names and passwords from a computer at Marshall Space Flight Center in Alabama, in violation
8 of Title 18, United States Code, Section 2511(1)(a).

9
10 COUNT TEN: (18 U.S.C. § 1030(a)(3))

11 On or about May 25, 1998, in the Northern District of California, and elsewhere, the
12 defendant

13 MAX RAY BUTLER, a/k/a
14 Max Vision,

15 did intentionally, without authorization to access a nonpublic computer of the U.S. Department of
16 Transportation, a department of the United States, access such a computer at the office of the
17 Secretary of the Department of Transportation in Washington, D.C. that was exclusively for the
18 use of the Government of the United States, in violation of Title 18, United States Code, Section
19 1030(a)(3).

20 COUNT ELEVEN: (18 U.S.C. § 2511(1)(a))

21 On or about May 27, 1998, in the Northern District of California, and elsewhere, the
22 defendant

23
24 MAX RAY BUTLER, a/k/a
25 Max Vision,

26 did intentionally intercept and endeavor to intercept electronic communications including user
27 names and passwords from a computer at the office of the Secretary of the Department of
28 Transportation in Washington, D.C., in violation of Title 18, United States Code, Section
2511(1)(a).

INDICTMENT

1 COUNT TWELVE: (18 U.S.C. § 1030(a)(5)(B))

2 1. On or about and between May 20, 1998, and May 26, 1998, both dates being approximate
3 and inclusive, in the Northern District of California, and elsewhere, the defendant

4 MAX RAY BUTLER, a/k/a
5 Max Vision,

6 did intentionally access protected computers without authorization, and as a result of such
7 conduct recklessly caused damage, as the terms protected computer and damage are defined in 18
8 U.S.C. §§ 1030(e)(2) and (e)(8).

9 2. Specifically, the defendant intentionally accessed computers of the U.S. Department of
10 Defense, computers that: (a) were exclusively for the use of the United States Government; and
11 (b) were used in interstate and foreign communication. As a result of such conduct, the defendant
12 recklessly caused damage and that damage caused loss aggregating more than \$5,000 in value
13 during a one-year period to the U.S. Department of Defense.

14 All in violation of Title 18, United States Code, Section 1030(a)(5)(B).

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16 COUNT THIRTEEN: (18 U.S.C. § 1030(a)(3))

17 On or about and between May 20, 1998, and May 26, 1998, both dates being approximate
18 and inclusive, in the Northern District of California, and elsewhere, the defendant

19 MAX RAY BUTLER, a/k/a
20 Max Vision,

21 did intentionally, without authorization to access nonpublic computers of the U.S. Department of
22 Defense, a department of the United States, access such computers that were exclusively for the
23 use of the Government of the United States, in violation of Title 18, United States Code, Section
24 1030(a)(3).

1
2 COUNT FOURTEEN: (18 U.S.C. § 2511(1)(a))

3 On or about and between May 20, 1998, and May 26, 1998, both dates being approximate
4 and inclusive, in the Northern District of California, and elsewhere, the defendant

5 MAX RAY BUTLER, a/k/a
6 Max Vision,

7 did intentionally endeavor to intercept electronic communications including user names and
8 passwords from computers of the U.S. Department of Defense, in violation of Title 18, United
9 States Code, Section 2511(1)(a).

10 COUNT FIFTEEN: (18 U.S.C. § 1029(a)(3))

11 On or about July 2, 1998, in the Northern District of California, the defendant

12 MAX RAY BUTLER, a/k/a
13 Max Vision,

14 did knowingly and with intent to defraud possess more than fifteen unauthorized access devices,
15 namely approximately 477 passwords belonging to customers of Aimnet, an Internet Service
16 Provider in Santa Clara, California, and such offense affected interstate and foreign commerce, in -
17 violation of Title 18, United States Code, Section 1029(a)(3).

18 DATED: March 15, 2000

A TRUE BILL.

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21 
22 FOREPERSON

23 ROBERT S. MUELLER, III
24 United States Attorney

25 
26 ELIZABETH DE LA VEGA
27 Chief, San Jose Division

28 (Approved as to form: 
AUSA ROSS W. NADEL

INDICTMENT